

DOCKET FILE COPY ORIGINAL

BEFORE THE
FEDERAL COMMUNICATION COMMISSION
WASHINGTON, D.C. 20554

IN THE MATTER OF)

REPLACEMENT OF PART 90)
BY PART 88 TO REVISE)
THE PRIVATE LAND MOBILE)
RADIO SERVICES AND MODIFY)
THE POLICIES GOVERNING THEM)

PR DOCKET 92-235

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TO: THE COMMISSION

COMMENT OF
HARVEY J HUMPHREY
MAYOR
BURNS, WYOMING

THE TOWN OF BURNS WYOMING SUBMITS IT'S COMMENTS IN RESPONSE TO
THE COMMISSIONS NOTICE OF PROPOSED RULE MAKING IN THIS PROCEEDING.

1. THE TOWN OF BURNS IS A SMALL TOWN IN SOUTHEAST WYOMING, IT HAS A POPULATION OF 256 RESIDENTS. WE HAVE ONE TOWN POLICE OFFICER AND OPERATE A VOLUNTEER AMBULANCE SERVICE WITH TWO AMBULANCES AND TEN VOLUNTEERS. WE ARE RESPONSIBLE FOR THE EMERGENCY RESPONSE (AT NO COST TO THE PATIENT) FOR 520 SQUARE MILES OF RURAL WYOMING, WHICH CONTAINS HUNDREDS OF MILES OF STATE HIGHWAYS AND COUNTY ROADS ALONG WITH 20 MILES OF INTERSTATE 80. IT HAS TAKEN US TWELVE YEARS TO COLLECT 8 MOBIL RADIOS 14 PORTABLE RADIOS AND 1 BASE STATION. IF 88.429 SPECIFICALLY TABLE C-3 GOES INTO AFFECT IT WILL COST THE TOWN OF BURNS \$27,000. THIS IS ONE FIFTH OF OUR BUDGET. THE TOWN OF BURNS MAY HAVE TO STOP PROVIDING AN AMBULANCE SERVICE BECAUSE OF THIS ADDED EXPENSE.

2. THE TOWN OF BURNS HAS NO DISPATCHERS WE WORK THROUGH THE LARAMIE COUNTY OFFICE OF EMERGENCY MANAGEMENT AND THE LARAMIE COUNTY SHERIFFS DEPARTMENT. WE CAN NOT CHANGE OUR RADIO SYSTEM UNTIL BOTH OF THESE AGENCIES UPGRADE THEIR SYSTEMS. THE COST OF THE FIRST PHASE WILL COST US ABOUT \$3,100.00 TO ALTER OUR RADIOS AND THIS DOES NOT INCLUDE THE FACT WE WILL LOSE OUR PAGING SYSTEM ALL TOGETHER DO WE PURCHASE A NEW PAGING SYSTEM, THAT WE WILL HAVE TO DISCARD IN FOUR YEARS OR LESS OR SELL OUR AMBULANCE SERVICE? IT IS IMPERATIVE THAT PHASE ONE, TO BE COMPLETED BY JAN 1, 1996 BE SET ASIDE AND BOTH PHASES TAKE EFFECT IN 2004.

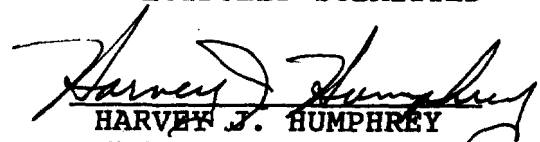
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3. THE TOWN OF BURNS DOES UNDERSTAND THE PROBLEM THAT THE FCC IS FACING ON THE EAST AND WEST COASTS. HOWEVER THE STATE OF WYOMING IS GOING TO BE ADVERSELY AFFECTED BY THE REDUCTION IN MODULATION AND LOWER TRANSMIT POWER. THE EMERGENCY SERVICES (INCLUDING LAW ENFORCEMENT) ONLY WORKS IN THIS STATE BECAUSE OF DIRECT COOPERATION BETWEEN STATE, COUNTY AND LOCAL GOVERNMENT. WE CAN NOT AFFORD, EVEN FOR A SHORT PERIOD OF TIME, NOT TO BE ABLE TO COMMUNICATE WITH ONE ANOTHER. I THINK IT IS ASKING A BIT MUCH TO EXPECT THAT ALL GOVERNMENT WILL RECEIVE THE MONEY NECESSARY TO UP GRADE EQUIPMENT AT THE SAME TIME.

4. IT IS HARD FOR US TO UNDERSTAND WHY YOU EXPECT US TO MOVE TO NEW SYSTEMS SUCH AS TRUNKING IN THE 800mz AREA WHEN YOU HAVE NOT SUFFICIENTLY REGULATED THE MANUFACTURES OF SUCH EQUIPMENT TO INSURE THAT NO ONE COMPANY WILL MONOPOLIZE A MARKET SUCH AS WYOMING. AS I HAVE ALREADY STATED IT IS IMPORTANT THAT ALL AGENCIES IN OUR COUNTY, INCLUDING STATE AGENCIES MUST BE ABLE TO TALK DIRECTLY TO ONE EACH OTHER. THIS WOULD MEAN WE WOULD HAVE TO PURCHASE OUR EQUIPMENT FROM THE SAME MANUFACTURE. ISN'T THIS PRACTICE AGAINST THE LAW?

5. THE NARROWER BANDWIDTH REQUIRED BY THE PROPOSED RULES IN ORDER TO CREATE ADDITIONAL CHANNELS IS FOR THE MOST PART A VIABLE SOLUTION FOR THE CONGESTION NOW FOUND ON THE CURRENT RADIO FREQUENCIES. HOWEVER, WE SUBMIT THAT A MORE GRADUAL AND EXTENDED PHASE-IN PERIOD BE IMPLEMENTED TO REDUCE THE ECONOMICAL IMPACT ON BUSINESS, LOCAL GOVERNMENT, AND PUBLIC SAFETY USERS. THE LONGER PHASE-IN PERIOD WOULD ALSO ALLOW FOR FURTHER RESEARCH AND DEVELOPMENT TIME BY EQUIPMENT MANUFACTURERS IN ORDER TO ADEQUATELY ADDRESS ALL TECHNICAL ISSUES AND REQUIREMENTS OF THE NEW SPECIFICATIONS AND TO DEVELOP RELIABLE, ECONOMIC EQUIPMENT.

RESPECTFULLY SUBMITTED


HARVEY J. HUMPHREY
MAYOR

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DEAR SIR:

YOU WILL FIND ENCLOSED A COPY OF OUR RESPONSE TO THE, FEDERAL COMMUNICATION COMMISSION, IN THE MATTER OF, REPLACEMENT OF PART 90 BY PART 88 OF THE FCC REGULATIONS, THE PRIVATE LAND MOBILE RADIO SERVICES AND MODIFY THE POLICIES GOVERNING THEM.

THIS RULE CHANGE WILL SEVERELY HANDICAP OR CURTAIL OUR EMERGENCY RESPONSE TO POLICE AND MEDICAL CALLS. WE ARE ASKING FOR YOUR HELP TO MODIFY THESE RULE CHANGES.

THIS RULE CHANGE HAS TWO PARTS. PART ONE GOES INTO EFFECT IN 1996, PART TWO GOES INTO EFFECT IN 2004. IN ORDER OF PREFERENCE THE FOLLOWING IS THE ORDER WE WOULD LIKE TO SEE MODIFICATIONS MADE TO THE FCC'S PROPOSED CHANGES.

1. PART 88 WOULD GO INTO EFFECT BY REGION. WE UNDERSTAND THAT HIGHLY POPULATED AREAS IN THE UNITED STATES NEED MORE CHANNELS, THIS IS NOT TRUE OF THE ROCKY MOUNTAIN REGION.

2. STOP THE ENACTMENT OF THE 1996 PART ONE OF THE PROPOSED CHANGES. WHY SHOULD WE HAVE TO PUT MONEY INTO OUR THEN OUT-DATED RADIO SYSTEM, AND THEN THROUGH IT AWAY IN EIGHT YEARS.

IN CONCLUSION TAKE A HARD LOOK AT THE FCC, AS TO THERE TOTAL INCOMPETENCY IN THE MATTER OF REGULATING THE MANUFACTURES. THE FCC AT THIS TIME IS GOING TO ALLOW ANY MANUFACTURE TO USE THERE OWN TRUNKING CODES, THAT WILL MAKE IT IMPOSSIBLE TO TALK TO SOMEONE THAT HAS A DIFFERENT BRAND OF RADIO. AS IN THE CASE OF WYOMING THIS WOULD CAUSE EVERY GOVERNMENT RADIO IN THE STATE OF WYOMING TO BE THE SAME BRAND, THIS IS NOT ACCEPTABLE, CITIES AND TOWNS BY STATE STATUTE MUST BID ANY EQUIPMENT OVER \$7,500.00. IF OUR LOW BID IN BURNS IS A DIFFERENT BRAND THAN THE LOW BID IN LARAMIE COUNTY WE WOULD NOT BE ABLE TO TALK TO OUR DISPATCHERS.

IF THE FEDERAL GOVERNMENT WANTS TO CREATE THIS MANY JOBS IN THE RADIO INDUSTRY PLEASE SEND US THE MONEY TO COMPLY WITH PART 88.

THANK YOU

JAMES F. CLARK
BURNS, EMERGENCY MANAGER